

FW#

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Thornberry, et al.

SERIAL NO.: 10/689,103                      Group Art Unit: 3737

FILED: October 20, 2003                      Examiner: Smith, Ruth S.

FOR: SURGICAL NAVIGATION SYSTEM COMPONENT  
FAULT INTERFACES AND RELATED PROCESSES

Attorney Docket No.: 50642/287726

Date: *October 4, 2006*

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

---

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the enclosed Form PTO/SB/08a are cited for consideration by the Examiner. Copies of the cited non-U.S. publications are enclosed.

Submission of the references provided in this Supplemental Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

10/12/2006 WASFAW1 00000098 10689103

01 FC:1806

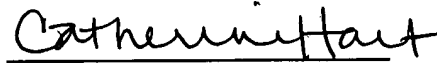
180.00 0P

10/12/2006 WASFAW1 00000098 10689103

This Information Disclosure Statement is being filed pursuant to 37 C.F.R.

1.97(c). Applicants enclosed Form 2038 authorizing the Commissioner to charge the firm's credit card in the amount of \$180.00. The Commissioner is authorized to charge any additional fee due to Deposit Account No. 11-0855.

Respectfully submitted,

A handwritten signature in cursive script, reading "Catherine E. Hart", written in black ink.

Catherine E. Hart  
Registration No. 54,095

KILPATRICK STOCKTON LLP  
Suite 2800, 1100 Peachtree Street  
Atlanta, Georgia 30309-4530  
Phone (404) 815-6500

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/689,103

Filing Date

October 20, 2003

First Named Inventor

Robert C. THORNBERRY

Art Unit

3737

Examiner Name

Ruth S. SMITH

Attorney Docket Number

50642/287726

**ENCLOSURES (check all that apply)**☒ Fee Transmittal Form☒ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts  
under 37 CFR1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)  
(please identify below):Form PTO/SB/08 (01 sheet)  
03 Publications**Remarks****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm

Kilpatrick Stockton, LLP

Signature

Printed Name

Catherine E. Hart, Esq.

Date

October 4, 2006

Reg.  
No.

54,095

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

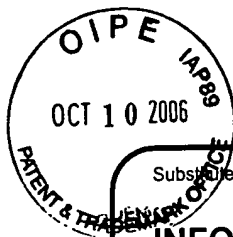
Typed or printed name

Cicily Stancil

Date

October 4, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

|                        |                      |
|------------------------|----------------------|
| Application Number     | 10/689,103           |
| Filing Date            | October 20, 2003     |
| First Named Inventor   | Robert C. THORNBERRY |
| Art Unit               | 3737                 |
| Examiner Name          | Smith, Ruth S.       |
| Attorney Docket Number | 50642/287726         |

**U.S. PATENT DOCUMENTS**

| Examiner<br>Initials * | Cite<br>No. <sup>1</sup> | Document Number                            | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of<br>Cited Document | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear |
|------------------------|--------------------------|--|--------------------------------|--|---|
|                        |                          | Number - Kind Code <sup>2</sup> (if known) |                                |  |   |
|                        |                          | US-5,947,971                               | 09-1999                        | Kuslich, et al.                                    |   |
|                        |                          | US-5,980,535                               | 11-1999                        | Barnett, et al.                                    |   |
|                        |                          | US-6,383,188                               | 05-2002                        | Kuslich, et al.                                    |   |

| Examiner<br>Initials * | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|------------------------|--------------------------|---|-----------------------------------|---|--|----------------|
|                        |                          | Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known) |                                   |   |  |                |
|                        |                          | WO 2004/084740  | 10-07-2004                        | Orthometer A/S  |  |                |
|                        |                          | WO 2006/044367 A1   | 04-27-2006                        | Smith & Nephew  |  |                |
|                        |                          | WO 2006/060631 A1   | 06-08-2006                        | Smith & Nephew  |  |                |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.